

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

SWITCH, LTD.,

Plaintiff,

v.

ALIGNED DATA CENTERS LLC and
MTECHNOLOGY INC.,

Defendants.

CIVIL ACTION NO. 2:17-CV-574-JRG

JURY TRIAL DEMANDED

ALIGNED DATA CENTERS, LLC,
ALIGNED DATA CENTERS (DFW), LLC,
and ALIGNED DATA CENTERS
(PHOENIX), LLC,

Counterclaim-Plaintiffs,

v.

SWITCH, LTD.,

Counterclaim-Defendant.

**JOINT CLAIM CONSTRUCTION AND PREHEARING STATEMENT
PURSUANT TO PATENT RULE 4-3**

Pursuant to Patent Local Rule 4-3, Plaintiff Switch, Ltd. (“Switch”) and Defendant Aligned Data Centers, LLC (“Aligned”) submit this Joint Claim Construction and Prehearing Statement for U.S. Patent No. 9,622,389 (“’389 patent”).

I. CONSTRUCTION OF THOSE CLAIM TERMS, PHRASES, OR CLAUSES ON WHICH THE PARTIES AGREE (P.R. 4-3(a))

The Parties have not reached an agreed construction on any terms identified for construction.

II. PROPOSED CONSTRUCTION OF EACH DISPUTED CLAIM TERM, PHRASE, OR CLAUSE (P.R. 4-3(b))

Exhibits A and B, attached hereto, identify the disputed claim terms. Exhibit A contains Switch's proposed constructions for each disputed claim term and intrinsic and other evidence in support; Exhibit B contains Aligned's proposed constructions for each disputed claim term and intrinsic and other evidence in support.

III. ANTICIPATED LENGTH OF TIME NECESSARY FOR THE CLAIM CONSTRUCTION HEARING (P.R. 4-3(c))

The Court has scheduled the claim construction hearing for August 17, 2018.

The parties estimate the length of the claim construction hearing to be about three hours.

IV. IDENTITY OF WITNESSES (P.R. 4-3(d))

Switch has identified Dr. Gregor Henze as an expert witness with respect to claim construction. Aligned has not identified any expert witnesses with respect to claim construction. Neither party plans to call live witnesses during the claim construction hearing. Both parties reserve the right to call witnesses at the claim construction hearing upon reasonable notice to the other party and to the Court.

V. OTHER ISSUES FOR A PREHEARING CONFERENCE (P.R. 4-3(e))

The parties are not aware of any other issues requiring a prehearing conference.

Dated: June 8, 2018

Respectfully submitted,

/s/ Bradley W. Caldwell

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CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a). As such, this document was served on all counsel who have consented to electronic service on this 8th day of June, 2018. Local Rule CV-5(a)(3)(A).

/s/ Bradley W. Caldwell

Bradley W. Caldwell